

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**Building Code Appeals Board**

**Docket No. 05-500**

Consulting Fire Protection, Engineer,	)	
Appellant	)	
	)	
v.	)	
	)	
Town of Georgetown,	)	
Appellee	)	
	)	

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §122.3, Appellant asks the Board to grant a variance from 780 CMR§ 118.1, 121.0, 121.2, 121.3, & 121.7 of the Massachusetts State Building Code ("Code") to uplift the cease and desist order issued by the local building official for the unsafe conditions of storing large quantities of flammable liquids in a building known as 7 Martel Way in Georgetown, MA where the present fire suppression system is inadequate for the hazards present in the building ("Project"). The appellants made a proposal of adding a fire pump to the existing fire suppression system to compensate for the recently discovered lack of water pressure in the water supply to the building.

By letter dated October 29, 2007, Mr. John Caldwell, Jr., Building Inspector for the Town of Georgetown ("Appellee") issued a cease and desist order for the occupants of 7 Martel Way and ordering the owner to rectify the issue of storing materials deemed unsafe in a case of a fire by both the local fire and building officials as set forth in 780 CMR §118.1, 121.0, 121.2, 121.3, & 121.7.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on Thursday, December 6, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Hal Cutler & Vince Sartorelli appeared on behalf of Appellant. John Caldwell, Jr. & John Durkee appeared on behalf of Appellee.

## **Exhibits**

Exhibit 1: Water Flow Data

## **Reasons for Variance**

The issue is whether Appellant should be allowed a variance from the limitations set forth in 780 CMR §118.1, 121.0, 121.2, 121.3, & 121.7 and have the Board uplift the cease and desist order for the Project. The Appellant testified that the water supply for the foam-water sprinkler system of the warehouse was found to be less than the original design assumed. The sprinkler system needed to be reinforced with a booster pump, and Mr. Cutler indicated that the installation is underway and will be installed by January 4, 2008.

Mr. Cutler further testified that the water supply was considered inadequate to supply the combined sprinkler system and outside hose stream demand. He explained that the water supply is adequate for the sprinkler system, but the problem arises when the Fire Department utilizes its assigned share. Mr. Cutler asserted that the problem has been corrected since the Fire Department knows of the issue and will pump into the siamese connection to avoid deficiency. The Appellant has submitted these requirements in writing to the Fire Department.

The Board considered evidence that the building is approximately 33,000 square feet, and the storage area is about 15,000 square feet. The building is subdivided, and the liquid storage area is Use Group H-2. The remainder of the building is storage, Use Group S-1, and stores raw materials and supplies for its operations. The entire building has a foam-water sprinkler system, and the new fire pump will be enclosed by a four (4) hour separation.

Deputy Fire Chief John Durkee testified that the Fire Department is comfortable with the storage area, the corrections that were made, and the addition to the fire pump. Building Commissioner John Caldwell, Jr. testified that a permit was issued to segregate the fire pump and enclose it with a 4 hour separation and indicated that the Town is satisfied. Mr. Caldwell stated that the Town was only waiting for a certified sprinkler plan.

## **Decision**

Board Member Alexander MacLeod made a motion to uplift the cease and desist order since the local fire chief is satisfied with the new fire suppression system for the building, and the Appellants proposed to add a fire pump to overcome the low water supply pressure, as well as install a four (4) hour separation and the work is to be completed by January 4, 2008 ("Motion"). The Motion was seconded by Stanley Shuman. Following testimony, and based upon relevant information provided, Board members voted to approve the Motion as described on the record. The Board voted as indicated below.

☒..... **Granted**

☐..... **Denied**

☐..... **Rendered Interpretation**

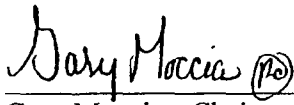
☐.....**Granted with conditions**

☐..... **Dismissed**

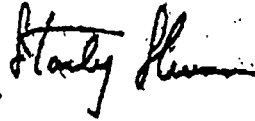
The vote was:

☒.....**Unanimous**

☐..... **Majority**



Gary Moccia – Chair



Stanley Shuman

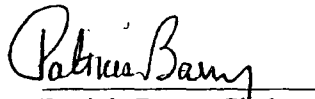


Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: July 10, 2008

  
Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$5.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/Department of Public Safety  
One Ashburton Place – Room 1301  
Boston, MA 02108